

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS, JR.,)	CASE NO. MC05-70-RSM
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
DOUGLAS CARR, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff John Robert Demos has filed an application to proceed *in forma pauperis* and a proposed civil rights complaint. This appears to be the third action filed by plaintiff during the 2005 calendar year.

Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., In re John Robert Demos*, MS91-269 (W.D. Wash., January 16, 1992); *Demos v. Storrie*, 507 U.S. 290, 291 (1993). The bar order entered by this court precludes plaintiff from filing more than three applications to proceed *in forma pauperis* in any calendar year. In addition, because of the numerous frivolous lawsuits filed by plaintiff in the past, he also faces the statutory bar imposed by 28 U.S.C. § 1915(g). To overcome the statutory bar, plaintiff must allege that he is in “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

01 The Court has reviewed plaintiff's proposed civil rights complaint and *in forma pauperis*
02 application. Plaintiff contends that prison officials have retaliated against him for "reporting to the
03 U.S. Secret Service a plot to kill the President." (Proposed Complaint at 3). Plaintiff alleges that
04 he overheard prison guards saying that Bill Gates was planning to purchase a nuclear bomb from
05 Russian agents and detonate the bomb near the White House. (*Id.* at 4). Although their
06 motivation is unclear, plaintiff further alleges that after he reported this plot to prison officials, they
07 responded by assigning cell-mates to plaintiff who steal from him, threaten his life, leave the cell
08 light on to bother his eyes, and do not bathe. (*Id.* at 3).

09 Plaintiff's fanciful allegations do not show with the requisite degree of specificity that he
10 is in imminent danger of serious physical injury. Accordingly, plaintiff's most recent application
11 to proceed *in forma pauperis* should be denied, and this action dismissed. In addition, plaintiff
12 should be advised that, because this is his third application to proceed *in forma pauperis* in this
13 calendar year, any future applications "will not be filed, acknowledged, or returned." *In re John*
14 *Robert Demos*, MS91-269 (W.D. Wash., January 16, 1992). A proposed Order accompanies this
15 recommendation.

16 DATED this 24th day of May, 2005.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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